

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: *Lever et al.*

Application No. 10/567,661

Filed: September 6, 2006

Confirmation No. 3959

For: CHIMAERIC VECTOR SYSTEM

Examiner: Maria Marvich, Ph.D.

Art Unit: 1633

Attorney Reference No. 6947-73323-01

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RESPONSE TO RESTRICTION REQUIREMENT

This document is submitted in response to the Restriction Requirement, dated April 3, 2009, for which a one-month period for reply was set, making a response timely through May 4, 2009.

No fee should be required for this filing. But if it is determined that a fee is required, the Commissioner is hereby authorized to take such fee from Deposit Account 02-4550.

Claims 1-2, 4-5, 7, 13-16, 19, 21, 23, 25-26, 28-31, 33-34, 36-42, 49-51, and 53-55
are pending in this application. No amendments are made in this filing.

Response

Without admitting to the appropriateness of the finding of lack of unity, Applicants hereby provisionally elect **Group V** (indicated to contain claims 49 and 50) for prosecution in the subject application.

However, because the subject matter of claims 1 and 33 is incorporated into claims 49 and 50, it is requested that at least claims 1 and 33 of Groups I and III also be examined in this application. Applicants respectfully assert that there would be no additional searching burden to conduct an examination of claims 1 and 33. So it is appropriate, and would be most economical, to join claims 1 and 33 to the claims of Group V.

Applicants reserve the right to prosecute at a later date any subject matter deemed to be non-elected.

This application should now be in condition for substantive examination. If any issues remain to be addressed prior to examination, the Examiner is invited to telephone Tanya M. Harding, Ph.D. at the telephone number listed below.

Respectfully submitted,

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